

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE COLUMBIA UNIVERSITY  
PATENT LITIGATION

MDL No. 04-MD-1592 (MLW)

Civil Action No. 04-10470-MLW  
C.D. Cal. No. CV 02-4349 MRP (CWx)

**SUBMISSION REGARDING DR. LOUIS SIMINOVITCH'S WILLINGNESS TO  
VOLUNTARILY SUBMIT TO DEPOSITION PURSUANT TO COURT'S ORDER  
OF OCTOBER 7, 2004**

Dated: October 11, 2004

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ATTORNEYS FOR THE TRUSTEES  
OF COLUMBIA UNIVERSITY IN  
THE CITY OF NEW YORK

As required by the Court's October 7, 2004 Order, Defendants The Trustees of Columbia University ("Columbia") have consulted with Dr. Louis Siminovitch regarding his willingness to voluntarily submit to a deposition by Amgen and/or other interested plaintiffs. Columbia reports here Dr. Siminovitch's position as he conveyed it to Columbia; this report should not be construed as an agreement by Columbia to "produce" Dr. Siminovitch.

Dr. Siminovitch has told Columbia that he is willing to testify, in Canada, for up to seven hours at a date of his convenience in the near future if Amgen and/or any other interested plaintiff compensates him for his participation at the rate he is now charging Columbia. Dr. Siminovitch has indicated that a deposition in Toronto, Canada on November 18, 2004 would be convenient for him.

Dated: October 11, 2004

Respectfully submitted,

THE TRUSTEES OF COLUMBIA  
UNIVERSITY IN THE CITY OF NEW YORK

By its attorneys,

/s/ Amanda Tessar  
Amanda Tessar  
Gibson, Dunn & Crutcher LLP

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